

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA, *et al.*,

11 Plaintiffs,

12 v.

13 ELECTRON HYDRO LLC,

14 Defendant.

CASE NOS. C20-1746-JCC;  
C21-5171-JCC

ORDER

15 This matter comes before the Court *sua sponte*. There are two cases pending in the  
16 Western District of Washington, Seattle Division, that pose the same question: whether Electron  
17 Hydro LLC violated the Clean Water Act when it used field turf to line a bypass channel while  
18 performing improvements to a dam and spillway that the company operated on the Puyallup  
19 River. *See United States of America v. Electron Hydro LLC*, C20-1746-JCC; *Citizens for a*  
20 *Healthy Bay, et al. v. Electron Hydro LLC*, C21-5171-JCC.

21 Given the similarity of issues and the parties' stipulated agreement to consolidation of  
22 these cases at the April 28, 2021 status conference, (*see* C20-1746-JCC, Dkt. No. 16; C21-5171-  
23 JCC, Dkt. No. 13), the Court concludes that consolidation is proper. The determination is based  
24 on a consideration of the interests of justice, expeditious results, conservation of resources,  
25 avoiding inconsistent results, and the potential of prejudice. *See Inv'r's Rsch. Co. v. U.S. Dist. Ct.*  
26 *for Cent. Dist. of Cal.*, 877 F.2d 777 (9th Cir. 1989); *see also Adams Apple, Inc. v. Central*

1    *Washington Bank*, 829 F.2d 1484, 1487 (9th Cir. 1987) (“[T]rial courts may consolidate cases  
2    *sua sponte*.”).

3                 Accordingly, the Court hereby ORDERS that the following cases be consolidated: *United*  
4    *States of America v. Electron Hydro LLC*, C20-1746-JCC, and *Citizens for a Healthy Bay, et al.*  
5    *v. Electron Hydro LLC*, C21-5171-JCC. All future filings shall bear the caption and case number  
6    of the first-filed case, *United States of America v. Electron Hydro LLC*, C20-1746-JCC.

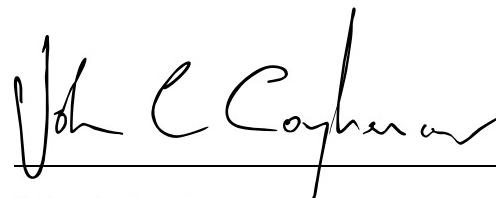
7                 The Court DIRECTS the clerk to administratively close the remaining case, *Citizens for a*  
8    *Healthy Bay, et al. v. Electron Hydro LLC*, C21-5171-JCC.

9                 The parties are ORDERED to provide the Court with a proposed consolidated case  
10   management schedule within fourteen (14) days of this order. That schedule should include a  
11   proposed trial date. All future documents related to either case shall be filed in Case No. C20-  
12   1746-JCC. The caption for the filings shall include the words “This Document Relates To:” and  
13   followed by either “C20-1746-JCC,” “C21-5171-JCC,” or “Both Cases.”

14                 The Court also DIRECTS the Clerk to terminate the outstanding stipulated motion for a  
15   protective order, Docket Number 14, in *United States of America v. Electron Hydro LLC*, Case  
16   No. C20-1746-JCC. If the parties seek a protective order for the now-consolidated case, they  
17   may so stipulate.

18                 DATED this 28th day of April 2021.

19  
20  
21  
22  
23  
24  
25  
26



---

John C. Coughenour  
UNITED STATES DISTRICT JUDGE